

REMARKS/ARGUMENTS

Claims 1, 4 and 6-16 are pending.

Claims 1, 4 and 6-16 stand rejected.

Claims 2-5 have been canceled, without prejudice.

Claim 1 has been amended. Support for this amendment can be found throughout the specification and drawings, as originally filed.

This response is submitted in response to a Final Office Action and is deemed to place the application in a condition for allowance, or alternatively, in better condition for appeal.

35 USC §103(a) REJECTION

Claims 1, 4, 6-11, 13 and 14 stand rejected under 35 USC §103(a) as being unpatentable over Horvitz et al. (USPN 6,021,403) in view of Noyes (USPN 5,379,366) and further in view of Cox, Jr. (USPN 5,685,000). Note: The Examiner referenced dependent claim 2 (a previously canceled claim), but specifically discussed dependent claim 4 in paragraph 4 of the Office Action. Accordingly, the Applicant is proceeding under the assumption that the Examiner meant to reject dependent claim 4 as opposed to dependent claim 2.

The Applicants respectfully traverse the 35 USC §103(a) rejection of claims 1, 4, 6-11 and 13-14. Dependent claim 4 has been canceled, without prejudice, the subject matter thereof being substantially incorporated into independent claim 1.

The standard for obviousness is that there must be some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the

claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability and, thus, the obviousness, of making" the modification to the art suggested by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988). Although the Examiner may suggest the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the desirability of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir.1989). There must be a teaching in the prior art for the proposed combination or modification to be proper. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q.2d (BNA) 1248 (Fed. Cir. 1989). If the prior art fails to provide this necessary teaching, suggestion, or incentive supporting the Examiner's suggested modification, the rejection based upon this suggested modification is error and must be reversed. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990).

The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 U.S.C. 112, fourth paragraph.

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicants have amended claim 1 to recite, among other things, a method for utilizing a help software program having a plurality of user databases and a knowledge database, said method comprising the steps of: (1) identifying the user, (2) obtaining an identification code of the identified user, (3) searching the user databases to link the identification code with one of the user databases, (4) accessing specific user data from the linked user database that has been generated as a

result of at least one previous interaction between the identified user and the help software program and that is specifically related to the identified user, (5) receiving a user's natural language input, (6) utilizing a natural language simulator to parse the natural language input before interpreting the natural language input, (7) interpreting the natural language input, (8) formulating a response by integrating the natural language input from the user with specific user data from the linked user database and data from the knowledge database, (9) submitting the response to the user, wherein submitting the response to the user includes submitting a natural language response in the form of a complete sentence to interact with the user in a completely natural language conversation, (10) *recording and storing the natural language conversation between the user and the help program in the linked user database*, (11) *updating the linked user database with the natural language input and response thereto, whereby future responses to the identified user may refer to any previously recorded and stored natural language conversations between the user and the help program contained in the updated linked user database for the identified user, wherein any future responses to the user are at least partially formulated on the basis of any previously recorded and stored natural language conversations between the user and the help program*, the help program working in conjunction with a computer related application for interacting with a user in a natural language format when the user requires assistance in relation to the computer related application, and (12) formatting the response includes uniquely molding the response to the identified user based upon the specific user data from the linked user database.

Horvitz et al., Noyes, and/or Cox, Jr., either alone or in combination therewith, do not teach any such methodology as recited in independent claim 1.

Specifically, as the Examiner has previously correctly noted, neither Horvitz et al. or Noyes does not disclose or suggest “a method wherein the submitting of the response is further defined as submitting a natural language response to interact a natural language simulator wherein the response [is] in the form of a complete sentence.” The recitation of Cox, Jr. does not cure the deficiencies in the disclosures of either Horvitz et al. and/or Noyes, either alone or in combination therewith.

While Cox, Jr. may arguably disclose “a method wherein the submitting of the response is further defined as submitting a natural language response to interact with the user in a completely natural language conversation,” which the Applicant does not concede that it does, Cox, Jr. nonetheless fails to disclose or suggest that *the system is able to record and store the natural language conversation between the user and the help program in a linked user database and updating the linked user database with the natural language input and response thereto, whereby future responses to the identified user may refer to any previously recorded and stored natural language conversations between the user and the help program contained in the updated linked user database for the identified user, wherein any future responses to the user are at least partially formulated on the basis of any previously recorded and stored natural language conversations between the user and the help program.* Cox, Jr. is merely representative of conventional voice pattern recognition software that is used to provide “canned” responses to users based on a finite set of possible query/response topics.

With respect to the Examiner's assertion regarding Horvitz et al. in this regard, while it may arguably disclose that "modeled events" such as "user background, experience, and competence" are recorded and stored by a computer system, there is no disclosure or suggestion by Horvitz et al. that natural language conversations (be they in natural language format or not) between the user and the help system are recorded and stored. Furthermore, as with Cox, Jr., there is no disclosure or suggestion that any future responses to the user may refer to any previously recorded and stored natural language conversations between the user and the help program contained in an updated linked user database for the identified user, wherein any future responses to the user are at least partially formulated on the basis of any previously recorded and stored natural language conversations between the user and the help program. Noyes is likewise silent on this particular feature of the present invention.

Thus, one of ordinary skill in the art would not look to Horvitz et al., Noyes, and/or Cox, Jr., either alone or in combination therewith, for guidance on a method for utilizing a help software program having a plurality of user databases and a knowledge database, as presently claimed.

Because claim 1 is allowable over Horvitz et al., Noyes, and/or Cox, Jr., either alone or in combination therewith, for at least the reasons stated above, claims 6-11, 13 and 14, which depend from and further define claim 1, are likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. 103(a) rejection of claims 1, 6-11, 13 and 14 has been overcome.

35 USC §103(a) REJECTION

Claim 12 stands rejected under 35 USC §103(a) as being unpatentable over Horvitz et al. (USPN 6,021,403) in view of Noyes (USPN 5,379,366) and Cox, Jr. (USPN 5,685,000), and further in view of Thomson (USPN 5,634,051).

The Applicants respectfully traverse the 35 USC §103(a) rejection of claim 12.

As previously noted, Horvitz et al., Noyes, and/or Cox, Jr., either alone or in combination therewith, do not render obvious independent claim 1 for at least the reasons set forth above. The recitation of Thomson does not cure the deficiencies in the teachings of Horvitz et al., Noyes, and/or Cox, Jr., either alone or in combination therewith.

While Thomson may arguably disclose the step of accessing a product database, compiling information from the product databases, and determining if any of the compiled information should be forwarded to the identified user with the response, which the Applicant does not concede, Thomson nonetheless fails to disclose or suggest a method for *recording and storing the natural language conversation between the user and the help program in the linked user database, updating the linked user database with the natural language input and response thereto, whereby future responses to the identified user may refer to any previously recorded and stored natural language conversations between the user and the help program contained in the updated linked user database for the identified user, wherein any future responses to the user are at least partially formulated on the basis of any previously recorded and stored natural language conversations between the user and the help program*, as presently claimed.

Thus, one of ordinary skill in the art would not look to Horvitz et al., Noyes, Cox, Jr., and/or Thomson, either alone or in combination therewith, for guidance on a method

utilizing a help software program having a plurality of user databases and a knowledge database, as presently claimed.

Because claim 1 is allowable over Horvitz et al., Noyes, and/or Cox, Jr., and/or Thomson, either alone or in combination therewith, for at least the reasons stated above, claim 12, which depends from and further defines claim 1, is likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. 103(a) rejection of claim 12 has been overcome.

35 USC §103(a) REJECTION

Claim 15 stands rejected under 35 USC §103(a) as being unpatentable over Horvitz et al. (USPN 6,021,403) in view of Noyes (USPN 5,379,366) and Cox, Jr. (USPN 5,685,000), and further in view of Dekelbaum et al. (USPN 5,838,682).

The Applicants respectfully traverse the 35 USC §103(a) rejection of claim 15.

As previously noted, Horvitz et al., Noyes, and/or Cox, Jr., either alone or in combination therewith, do not render obvious independent claim 1 for at least the reasons set forth above. The recitation of Dekelbaum et al. does not cure the deficiencies in the teachings of Horvitz et al., Noyes, and/or Cox, Jr., either alone or in combination therewith.

While Dekelbaum et al. may arguably disclose the step of determining the need for human intervention and accessing human intervention in a natural language format such that the interaction with the help program and a human representative appears seamless to the user, which the Applicant does not concede, Dekelbaum et al. nonetheless fails to disclose or suggest a method for *recording and storing the natural language*

conversation between the user and the help program in the linked user database, updating the linked user database with the natural language input and response thereto, whereby future responses to the identified user may refer to any previously recorded and stored natural language conversations between the user and the help program contained in the updated linked user database for the identified user, wherein any future responses to the user are at least partially formulated on the basis of any previously recorded and stored natural language conversations between the user and the help program, as presently claimed.

Therefore, one of ordinary skill in the art would not look to Horvitz et al., Noyes, Cox, Jr., and/or Dekelbaum et al., either alone or in combination therewith, for guidance on a method for utilizing a help software program having a plurality of user databases and a knowledge database, as presently claimed.

Because claim 1 is allowable over Horvitz et al., Noyes, and/or Cox, Jr., Dekelbaum et al., either alone or in combination therewith, for at least the reasons set forth above, claim 15, which depends from and further limits independent claim 1, is likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. 103(a) rejection of claim 15 has been overcome.

35 USC §103(a) REJECTION

Claim 16 stands rejected under 35 USC §103(a) as being unpatentable over Horvitz et al. (USPN 6,021,403) in view of Noyes (USPN 5,379,366) and Cox, Jr. (USPN 5,685,000), and further in view of Johnson et al. (USPN 5,978,455).

The Applicants respectfully traverse the 35 USC §103(a) rejection of claim 16.

As previously noted, Horvitz et al., Noyes, and/or Cox, Jr., either alone or in combination therewith, do not render obvious independent claim 1 for at least the reasons set forth above. The recitation of Johnson et al. does not cure the deficiencies in the teachings of Horvitz et al., Noyes, and/or Cox, Jr., either alone or in combination therewith.

While Johnson et al. may arguably disclose the step of formulating a pricing plan for the help program based upon the amount of time the user engaged in conversation with the help program, which the Applicant does not concede, Johnson et al. nonetheless fails to disclose or suggest a method for *recording and storing the natural language conversation between the user and the help program in the linked user database, updating the linked user database with the natural language input and response thereto, whereby future responses to the identified user may refer to any previously recorded and stored natural language conversations between the user and the help program contained in the updated linked user database for the identified user, wherein any future responses to the user are at least partially formulated on the basis of any previously recorded and stored natural language conversations between the user and the help program*, as presently claimed.

Therefore, one of ordinary skill in the art would not look to Horvitz et al., Noyes, and/or Cox, Jr., and/or Johnson et al., either alone or in combination therewith, for guidance on a method for utilizing a help software program having a plurality of user databases and a knowledge database, as presently claimed.

Because claim 1 is allowable over Horvitz et al., Noyes, and/or Cox, Jr., and/or Johnson et al., either alone or in combination therewith, for at least the reasons set forth above, claim 16, which depends from and further limits independent claim 1, is likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. 103(a) rejection of claim 16 has been overcome.

CONCLUSION

In view of the foregoing, the Applicant respectfully requests reconsideration and reexamination of the Application. The Applicant respectfully submits that each item raised by Examiner in the Final Office Action mailed July 24, 2007 has been successfully traversed, overcome or rendered moot by this response. The Applicant respectfully submits that each of the claims in this Application is in condition for allowance and such allowance is earnestly solicited.

The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 723-0487 if any unresolved matters remain.

Any needed extension of time is hereby requested with the filing of this document.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2789 in the name of Howard and Howard Attorneys, P.C.

Respectfully submitted,

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